

**Welcome Resolutions**

S. R. No. 688—By Senator Watson: Extending welcome to teachers and students of Hallsburg School.

S. R. No. 694—By Senator Watson: Extending welcome to Mr. and Mrs. Ted C. Lucenay of Waco.

S. R. No. 700—By Senator Hall: Extending welcome to sponsors and members of Denton National Honor Society.

S. R. No. 702—By Senator Watson: Extending welcome to teacher and students of St. Louis School of Waco.

S. R. No. 703—By Senator Harrington: Extending welcome and privileges of floor for the day to Dr. and Mrs. B. B. Elster of Port Arthur.

S. R. No. 704—By Senator Watson: Extending welcome to Vernon Walton of Waco.

**Adjournment**

On motion of Senator Aikin the Senate at 12:10 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

**APPENDIX****Sent to Governor**

May 5, 1969

S. B. No. 237  
S. B. No. 284  
S. B. No. 526  
S. B. No. 535  
S. B. No. 543  
S. B. No. 159  
S. B. No. 260  
S. B. No. 317  
S. B. No. 800

**SIXTY-FIFTH DAY**

(Tuesday, May 6, 1969)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Bernal
Bates	Berry

Blanchard	Jordan
Bridges	Kennard
Brooks	Mauzy
Christie	McKool
Cole	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Snelson
Harrington	Strong
Harris	Watson
Hazlewood	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Bills Signed**

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 285, A bill to be entitled "An Act amending Section 6, Chapter 729, Acts of the 60th Legislature, Regular Session, 1967 (Article 2922-1i, Vernon's Texas Civil Statutes), relating to withdrawal of accumulated contributions from the Teachers Retirement System on electing to participate in the Optional Retirement Program; and declaring an emergency."

S. B. No. 498, A bill to be entitled "An Act providing that local school boards of all public school districts of Texas shall have authority to set a retirement age for its professional and supportive personnel; and declaring an emergency."

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 96, Creating a special committee to gather and coordinate all pertinent information possible with regard to both congressional re-

districting and legislative reapportionment in the State of Texas.

H. C. R. No. 109, Commending and congratulating "Project Info."

H. C. R. No. 114, Commending the Honorable Emil C. Rassman of Midland, Texas.

H. B. No. 534, A bill to be entitled "An Act adopting the Texas Education Code, a revision of the general and permanent statutes relating to public education, excluding certain laws relating to higher education; expressly repealing the laws replaced by the code; leaving unaffected certain enumerated local and special laws; leaving unaffected certain laws relating to higher education; declaring the effect of conflicting laws passed at the same session; providing for severability; providing a saving clause; providing an effective date; and declaring an emergency."

H. B. No. 608, A bill to be entitled "An Act amending Section 1, Chapter 60, Acts of the 60th Legislature, Regular Session, 1967 relating to the regulatory authority of the Parks and Wildlife Commission in certain counties, to add the water area of Falcon Reservoir to the list of counties and areas regulated; amend Section 3, Subsection c, by adding item (12) defining fresh water fish as the "wildlife resources" in Zapata County; and declaring an emergency."

H. B. No. 767, A bill to be entitled "An Act amending Subdivisions 2 and 4, Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), relating to application for an absentee ballot and absentee voting by mail; and declaring an emergency."

S. C. R. No. 70, Authorizing certain corrections in S. B. No. 26.

The House has concurred in Senate amendments to House Bill No. 85 by vote of 131 ayes, 1 noes.

The House has concurred in Senate amendments to House Bill No. 926 by a non-record vote.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 1009 by a vote of 145 ayes, 0 noes.

All necessary rules suspended, and the Conference Committee report on

House Bill No. 660 adopted by a vote of non-record vote.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

### Reports of Standing Committees

Senator Moore submitted the following reports:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Affairs to which was referred H. B. No. 163, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

MOORE, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 596, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Affairs to which was referred S. B. No. 667, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

MOORE, Chairman.

C. S. S. B. No. 667 was read the first time.

Senator Hazlewood submitted the following reports:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 209, have had the same under

consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HAZLEWOOD, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Finance, to which was referred H. B. No. 416, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HAZLEWOOD, Chairman.

Senator Aikin submitted the following report:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 490, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman  
MAUZY  
BATES  
BERNAL  
COLE  
CONNALLY  
HALL  
HIGHTOWER  
JORDAN  
KENNARD  
RATLIFF  
SCHWARTZ  
SNELSON  
WILSON  
WORD

Senator Ratliff submitted the following report:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Oil and Gas, to which was referred S. B. No. 772, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman

Senator Blanchard submitted the following reports:

Austin, Texas,  
May 1, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 594, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

Austin, Texas,  
May 1, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 408, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

BLANCHARD, Chairman.

Austin, Texas,  
May 1, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 761, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

BLANCHARD, Chairman.

Austin, Texas,  
May 1, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 574, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Committee Substitute adopted in lieu thereof do pass and be printed.

BLANCHARD, Chairman.

C. S. S. B. No. 574 was read the first time.

Senator Kennard submitted the following report:

Austin, Texas,  
May 5, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred H. B. No. 574, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KENNARD, Chairman  
WILSON  
CHRISTIE  
HARRINGTON  
HERRING  
McKOOL  
SNELSON  
WORD

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 1376, To Committee on Parks and Wildlife.

H. B. No. 1368, To Committee on Water and Conservation.

H. B. No. 1344, To Committee on Water and Conservation.

H. B. No. 1313, To Committee on Water and Conservation.

H. B. No. 1310, To Committee on County, District and Urban Affairs.

H. B. No. 1309, To Committee on Agriculture and Livestock.

H. B. No. 1300, To Committee on Water and Conservation.

H. B. No. 1295, To Committee on Parks and Wildlife.

H. B. No. 1284, To Committee on Water and Conservation.

H. B. No. 1283, To Committee on Water and Conservation.

H. B. No. 1282, To Committee on Water and Conservation.

H. B. No. 1281, To Committee on Water and Conservation.

H. B. No. 1278, To Committee on Water and Conservation.

H. B. No. 1277, To Committee on Parks and Wildlife.

H. B. No. 1273, To Committee on Water and Conservation.

H. B. No. 1271, To Committee on Water and Conservation.

H. B. No. 1262, To Committee on County, District and Urban Affairs.

H. B. No. 1261, To Committee on County, District and Urban Affairs.

H. B. No. 1260, To Committee on Water and Conservation.

H. B. No. 1234, To Committee on County, District and Urban Affairs.

H. B. No. 1114, To Committee on Water and Conservation.

H. B. No. 1106, To Committee on Water and Conservation.

H. B. No. 1102, To Committee on Water and Conservation.

H. B. No. 1012, To Committee on Water and Conservation.

H. B. No. 965, To Committee on Banking.

H. B. No. 957, To Committee on Parks and Wildlife.

H. B. No. 943, To Committee on Parks and Wildlife.

H. B. No. 934, To Committee on Water and Conservation.

H. B. No. 933, To Committee on Water and Conservation.

H. B. No. 874, To Committee on Water and Conservation.

H. B. No. 853, To Committee on State Affairs.

H. B. No. 840, To Committee on Parks and Wildlife.

H. B. No. 832, To Committee on County, District and Urban Affairs.

H. B. No. 805, To Committee on Parks and Wildlife.

H. B. No. 753, To Committee on Jurisprudence.

H. B. No. 749, To Committee on State Departments and Institutions.

H. B. No. 736, To Committee on Parks and Wildlife.

H. B. No. 709, To Committee on Jurisprudence.

H. B. No. 705, To Committee on Education.

H. B. No. 696, To Committee on Parks and Wildlife.

H. B. No. 767, To Committee on Privileges and Elections.

H. B. No. 650, To Committee on County, District and Urban Affairs.

H. B. No. 608, To Committee on Parks and Wildlife.

H. B. No. 604, To Committee on Water and Conservation.

H. B. No. 564, To Committee on Transportation.

H. B. No. 547, To Committee on Water and Conservation.

H. B. No. 546, To Committee on Parks and Wildlife.

H. B. No. 541, To Committee on County, District and Urban Affairs.

H. B. No. 535, To Committee on State Departments and Institutions.

H. B. No. 528, To Committee on State Departments and Institutions.

H. B. No. 487, To Committee on Parks and Wildlife.

H. B. No. 484, To Committee on County, District and Urban Affairs.

H. B. No. 445, To Committee on County, District and Urban Affairs.

H. B. No. 423, To Committee on Interstate Cooperation.

H. B. No. 414, To Committee on Parks and Wildlife.

H. B. No. 387, To Committee on Agriculture and Livestock.

H. B. No. 369, To Committee on County, District and Urban Affairs.

H. B. No. 367, To Committee on Jurisprudence.

H. B. No. 236, To Committee on County, District and Urban Affairs.

H. B. No. 233, To Committee on County, District and Urban Affairs.

H. B. No. 213, To Committee on State Departments and Institutions.

H. B. No. 212, To Committee on State Departments and Institutions.

H. B. No. 128, To Committee on Water and Conservation.

H. B. No. 62, To Committee on County, District and Urban Affairs.

H. B. No. 534, To Committee on Education.

#### Senate Bill 805 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Schwartz:

S. B. No. 805, A bill to be entitled "An Act relating to the salaries of certain officials in certain counties; and declaring an emergency."

To the Committee on County, District and Urban Affairs.

#### House Bill 490 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent H. B. No. 490 was ordered not printed.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 111, Commending Texas Dept. of Mental Health and Mental Retardation, The Volunteer Councils, and The Texas Fine Arts Association; and authorizing an arts and crafts display in the rotunda of the State Capitol Building on Friday, May 9, 1969.

H. C. R. No. 110, Congratulating Mr. and Mrs. John Bradley McKinney on their recent marriage.

H. B. No. 1280, A bill to be entitled "An Act amending Section 18 of Acts 1965, 59th Legislature, Chapter 618, as amended (codified as Article 8280-330, V.T.C.S.), to provide for the sale of bonds by Wilcrest Improvement District at a price not less than that provided by law; etc.; and declaring an emergency."

H. B. No. 1279, A bill to be entitled "An Act amending Section 18 of Acts 1965, 59th Legislature, Chapter 606, as amended (codified as Article 8280-326, V.T.C.S.), to provide for the sale of bonds by Sequoia Improvement District at a price not less than that

provided by law; etc.; and declaring an emergency."

H. B. No. 378, A bill to be entitled "An Act authorizing the State Highway Commission to insure officers and employees from liability arising out of use, operation and maintenance of equipment; and declaring an emergency."

H. B. No. 682, A bill to be entitled "An Act relating to the granting of emergency leave to state employees who are members of the National Guard, if called to active duty by the Governor; and declaring an emergency."

H. B. No. 185, A bill to be entitled "An Act relating to the amounts to be paid and eligibility to receive certain benefits under the Firemen's Relief and Retirement Fund for fully paid fire departments in cities and towns having a population of less than 185,000; etc.; and declaring an emergency."

H. B. No. 888, A bill to be entitled "An Act providing for the establishment and operation of museums in certain counties and cities or towns; establishing boards of managers for such museums and providing for their appointment, tenure and authority; authorizing the boards of managers to allocate revenues, accept gifts, enter into contracts, dispense funds, and hire superintendents; and declaring an emergency."

H. B. No. 774, A bill to be entitled "An Act relating to the payment of accumulated vacation and sick leave to the estates of certain state employees upon their death; and declaring an emergency."

H. B. No. 342, A bill to be entitled "An Act relating to the abolition of the office of county superintendent of schools and the assumption of these duties by the county judge; and declaring an emergency."

#### Reports of Standing Committee

Senator Creighton, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 803, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 873, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and not be printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 875, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and not be printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 876, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 877, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 879, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 605, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 1104, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 872, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and not be printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 1256, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be not printed.

CREIGHTON, Chairman.

# Senate Joint Resolution 33 on First Reading

Senator Berry moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The following resolution was then introduced, read first time and referred to the Committee indicated:

By Senator Berry:

S. J. R. No. 33, Proposing an amendment to Section 2, Article VIII, Constitution of the State of Texas, authorizing the legislature to exempt from taxation property of any corporation or other organization formed for the prevention of cruelty to animals.

To the Committee on Constitutional Amendments.

# Senate Concurrent Resolution 74

Senator Watson offered the following resolution:

S. C. R. No. 74—Providing for the appointment of an Interim Committee to study laws regarding marking and branding of livestock.

Whereas, Texas is the nation's leading livestock-producing state and in 1968 approximately 1,750,000 cattle

and over a million sheep were shipped to market out of Texas by rail and truck; and

Whereas, Since the days of the open range, the rustling of livestock has been a problem, and modern transportation and communications facilities have made it even easier for organized rustling operations, so that losses to farmers and ranchers each year sometimes run into the millions of dollars; and

Whereas, Another factor contributing to the heavy losses from stolen livestock concerns the system of branding and marking animals, which, under present Texas statutes, is so complicated and cumbersome that the rustling of livestock has become almost impossible to curb; now, therefore, be it

Resolved by the Senate of the 61st Legislature, the House of Representatives concurring, That a special interim committee of nine members be and it is hereby created to make a thorough study of laws regarding the marking and branding of livestock, with the view of modifying and updating the present law in Texas to give the state a more modern and uniform branding and marking system; and, be it further

Resolved, That membership on the committee shall include three Senators, appointed by the Lieutenant Governor, three members of the House of Representatives, appointed by the Speaker of the House, and three members from the public, appointed by the Governor; and, be it further

Resolved, That the Texas Department of Agriculture, the Department of Public Safety, the Animal Health Commission, the Texas and Southwestern Cattle Raisers Association, the Sheep and Goat Breeders Association, the Texas Farm Bureau, the Texas Farmers Union, and clerks and sheriffs of Texas counties be requested to cooperate with the committee in the conduct of the study; and, be it further

Resolved, That the staff of the Texas Legislative Council be requested to serve as staff for the committee; and, be it further

Resolved, That from the contingent expenses funds of the Senate and the House of Representatives equally the members of the committee shall be reimbursed for their actual expenses incurred in carrying out the purposes of this Resolution, and other neces-

sary expenses of the committee in conducting the study shall also be paid from the contingent expenses funds of the Senate and the House of Representatives equally; the committee shall prepare a budget for its operating expenses, which shall be submitted to the Contingent Expenses Committee of the Senate and the House Administration Committee, and no expenditure shall be made until the budget has been approved. Prior approval of non-budgeted expenditures must also be obtained from the Senate Contingent Expenses Committee and the House Administration Committee; and, be it further

Resolved, That the committee shall make a complete report, including findings, recommendations, and drafts of any legislation it may deem desirable, to the Regular Session of the 62nd Legislature when it convenes in January, 1971.

The resolution was read and was referred to the Committee on Contingent Expenses.

#### Senate Bill 772 Ordered Not Printed

On motion of Senator Kennard and by unanimous consent S. B. No. 772 was ordered not printed.

#### Reports of Standing Committees

Senator Hall, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred S. B. No. 805, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred S. B. No. 804, have had the same under consideration, and we are instructed to report



it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CONNALLY

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, Districts and Urban Affairs to which was referred H. B. No. 541, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CONNALLY

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred House Bill No. 62, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman.  
WORD

Senator Creighton, by unanimous consent, submitted the following report:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred House Bill No. 128, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.  
BLANCHARD

(Senator Schwartz in the Chair.)

#### Senate Joint Resolution 34 on First Reading

Senator Bernal moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this

time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The following resolution was then introduced, read first time and referred to the Committee indicated:

By Senators Bernal and Moore:

S. J. R. No. 34, Proposing an amendment to Section 51-a, Article III, Constitution of the State of Texas, to remove the limit on the amount of money which may be spent each year out of state funds for welfare programs.

To the Committee on Constitutional Amendments.

#### Message From the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,  
May 6, 1969.

To the Senate of the Sixty-First Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Trustees of the Teacher Retirement System: For a six-year term to expire August 31, 1973: Robert Leon Stone of Austin, Travis County, for reappointment; Elected by the members of the Retirement System to serve a six-year term to expire August 31, 1973: Nat Williams of Lubbock, Lubbock County, for reappointment; To fill the unexpired term of Wayland Rivers, Jr., of Austin, Trav-

is County, resigned, term to expire August 31, 1969: Charles Willard Houser of Austin, Travis County.

Respectfully submitted,  
PRESTON SMITH,  
Governor of Texas.

**Committee Substitute  
Senate Bill 287 on Second Reading**

On motion of Senator Hightower, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 287, A bill to be entitled "An Act relating to the licensing of persons to fit and dispense hearing aids; relating to the creation, organization, powers, duties, and procedures of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; defining the Fitting and Dispensing of Hearing Aids; providing certain prohibited acts; providing for examinations for applicants for license; providing for issuance of license without examination; providing for the issuance of temporary training permits; providing grounds for the refusal to license and the revocation and suspension of license; providing fees for examination, issuance of license and training permits; providing for renewal of license; providing duties of licensees; providing for penalties; prohibiting licensees to treat a person or to administer drugs; providing for the sale of hearing aids by persons licensed under this Act; providing persons excepted from the Act; providing licensees under this Act exempt from the provisions of Chapter 95, Acts of the 51st Legislature, Regular Session, 1949, as amended; providing for severability; and providing an effective date.

The bill was read second time.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, by striking out the words "employ and" in Section 1(c).

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, by deleting Subsection (d) of Section 1

and substituting in lieu thereof the following:

"(d) 'Hearing aid' means any instrument or device designed for, or represented as, aiding, improving or correcting defective human hearing, but as used herein shall not mean repair services, replacements for defective parts and shall not include batteries, cords and accessories."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, by adding the words "or retail" immediately following the word wholesale in the last sentence of Subdivision (3) of Subsection (a) of Section 2.

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, by adding the words "or retail" immediately following the word wholesale in the last sentence of Subdivision (4) of Subsection (a) of Section 2.

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, by striking out the number "10" in the three places it appears in Section 3 and substituting therefore the number "30" in each instance.

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend Section 4(d) of C. S. S. B. No. 287 so that it shall read as follows:

"(d) The Board, by majority vote, shall have the power to issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses and the production of books, records and documents, to administer oaths and to take testimony concerning all matters within its jurisdiction."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, by deleting Subsection (b) of Section 5 and substituting therefor the following:

"(b) A record shall be kept showing the name, age and present legal and mailing address of each applicant for examination. The record shall also show whether applicants were rejected or licensed and shall be prima facie evidence of all matters therein contained."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, by deleting the word "satisfactory" from Subsection (b) of Section 6.

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, by deleting Subsection (e) of Section 6 and substituting therefor the following:

"(e) Each applicant shall be given due notice of the date and place of the examination and the subjects, areas, and/or skills that will be included within such examination, and there shall be no changes in said subjects, areas, and/or skills after the date of the examination has been announced and publicized nor shall there be more than one change or group of changes in any one calendar year. All examinations shall be conducted in writing and by such other means as the Board shall determine adequate to ascertain the qualifications of applicants. All applicants examined during a given calendar year shall be given the same examination. Every applicant successfully passing the examination and meeting all the requirements of this Act shall be registered by the Board as possessing the qualifications required by this Act and shall receive from the Board a license to fit and dispense hearing aids in this State."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, by deleting from Section 7 the word "satisfactory" and by deleting from Section 7 the words "this state" as they appear on line three of Page 5 of the printed Committee Substitute to Senate Bill No. 287 and substituting therefor the words "the United States of America."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, by deleting Subsection (a) of Section 9 and substituting therefor the following:

"(a) The Board shall grant temporary training permits to fit and dispense hearing aids to any person applying to the Board who has never taken the examination provided in the Act and who possesses the qualifications in Subsection (b) of Section 6, of this Act, upon written application to the secretary-treasurer of the Board, the applicant shall make application on forms to be furnished by the Board furnishing sworn evidence that he possesses the qualifications contained in Subsection (b), Section 6, of this Act, that he has never taken the examination provided in this Act, and that he has never previously been issued a temporary training permit to fit and dispense hearing aids by the Board."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend Subsection (b) of Section 9 in C. S. S. B. No. 287 so that it shall read as follows:

"(b) The application for a temporary permit shall be accompanied by the affidavit of a person duly licensed and qualified to fit and dispense hearing aids in this state. The accompanying affidavit shall state that the applicant, if granted a temporary training permit, will be supervised by the affiant in all work done by applicant under such temporary training permit, that affiant will notify the Board within 10 days following applicant's terminating of supervision by affiant."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend Subsection (8) of Section 10, C. S. S. B. No. 287 to read as follows:

"(8) The licensee aids or abets any person not duly licensed under this Act in the fitting or dispensing of hearing aids."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend Subsection (10) of Section 10, C. S. S. B. No. 287 to read as follows:

"(10) The licensee used or caused or promoted the use of any advertising matter, promotional literature, guarantees, warranty, disseminated or published with misleading, deceiving or false information. It is the intention of the Legislature that the provisions of this subsection (10) and the following subsection (11) be interpreted insofar as possible to coincide with the orders and rules of the Federal Trade Commission on such subjects."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, by deleting Subsections (14), (20) and (25) of Section 10 and renumbering the subsections correspondingly.

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, by deleting the number "10" where it appears in Subsection (b) of Section 11 and substituting therefor the number "30."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, subsec-

tion (a) of Section 12 of the Committee Substitute for S. B. 287 to read as follows:

"(a) The Board shall charge a fee of \$5 for issuing a temporary training permit, which fee must accompany the application for a temporary training permit."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, by deleting the number "\$100.00" and substituting therefor the number "\$50.00" in Subsection (c) of Section 12.

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend C. S. S. B. No. 287, by deleting the number "\$100.00" and substituting therefor "\$50.00" where it appears in Subsection (a) of Section 13.

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend Subsection (c) of Section 14, C. S. S. B. No. 287 to read as follows:

"(c) Such receipt as required in subsection (b) of this section shall be accompanied by the following statement in no smaller type than the largest type used in the body portion of such receipt, to-wit:

'The purchaser has been advised at the outset of his relationship with the undersigned fitter and dispenser of hearing aids that any examination or representation made by a licensed fitter and dispenser of hearing aids in connection with the fitting and selling of this hearing aid is not an examination, diagnosis or prescription by a person duly licensed and qualified as a physician or surgeon authorized to practice medicine in the State of Texas and, therefore, must not be regarded as medical opinion or advice.'

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend Subsection (a) of Section 18, C. S. S. B. No. 287 to read as follows:

"(a) Nothing in this Act shall prohibit a corporation, partnership, trust, association or other like organization maintaining an established business in this state from engaging in the practice of fitting and dispensing hearing aids at retail or selling or offering for sale hearing aids at retail without a license, provided that it employs only persons licensed under this Act in the direct fitting and dispensing of such products, instruments or devices."

The amendment was read and was adopted.

On motion of Senator Hightower, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Committee Substitute Senate Bill 287 on Third Reading

Senator Hightower moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 287 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Vote

Senator Herring asked to be recorded as voting "Nay" on the final passage of the bill.

#### Senate Resolution 717

Senator Harris offered the following resolution:

Whereas, Debbie Davis, a senior at Thomas Jefferson High School in Dallas, Texas, has won numerous honors in riflery and is one of the world's outstanding women rifle shooting experts; and

Whereas, Eighteen-year-old Debbie is the Texas junior smallbore champion in Rifle Shooting and is the co-holder of a National Junior Record; and

Whereas, She is also a member of the U. S. Women's International Rifle Team and the Randall Team, which has been victorious over all the English-speaking teams throughout the world; and

Whereas, In addition, this lovely young miss holds the high junior regional title in Texas and New Mexico, and at the National Rifle Matches she shot a perfect score of 1600, making her eligible for the exclusive NRA "1600 Club"; and

Whereas, Not only is Debbie excellent in riflery, she is also outstanding in high school activities; she is a member of the National Honor Society, the Student Council, and the Reb-Belles drill team; and

Whereas, She is also news editor for the Reveille, an officer in Tri-Alpha, Tri Hi-Y, and is the ROTC Sponsor for the Thomas Jefferson Rifle Team; and

Whereas, She serves as president of her Sunday School class, secretary-treasurer of the ACO Junior Rifle Club, and finds time in her busy schedule to work with emotionally disturbed children; and

Whereas, Debbie is planning to attend Southwestern University in Georgetown as an English major, and she enjoys spending her winter vacations hunting in Southwest Texas; now, therefore, be it

Resolved, That the Senate congratulate Miss Davis on her tremendous performance in rifle shooting competition and wish her continued success in all of her activities; and, be it further

Resolved, That congratulations also be extended to her parents, Judge and Mrs. Charlie T. Davis, with whom we share great pride in Debbie's honors; and that a copy of this Resolution be prepared for Miss Debbie Davis as a token of appreciation from the Senate of the 61st Legislature for her outstanding accomplishments.

HARRIS

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Bernal, Berry, Blanchard, Bridges, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Snelson, Strong, Watson, Wilson, Word.

The resolution was read and was adopted.

On motion of Senator Mauzy, and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

#### Senate Bill 599 on Second Reading

On motion of Senator Blanchard, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 599, A bill to be entitled "An Act amending Chapter 21, Texas Insurance Code (Acts 1951, 52nd Legislature, Chapter 491, as amended), amending Section 1, Article 21.07, Texas Insurance Code by requiring insurer to file a certificate of the investigation of the character and background of the applicant and the trustworthiness and qualification of the applicant to hold himself out to the public as a life, health and accident insurance agent; etc., and declaring an emergency."

The bill was read second time.

Senator Blanchard offered the following Committee Amendment to the bill:

Amend S. B. 599 by striking out all of the same below the enacting clause and substituting in lieu thereof, the following:

Section 1. Article 21.07, Texas Insurance Code, same being S. B. No. 236, Acts of the 52nd Legislature, Regular Session, 1951, page 868, Chapter 491, as amended, is hereby amended to hereafter read as follows:

"Section 1. Applicability of Act. No person shall act as an agent of any (i) local mutual aid association, (ii) local mutual burial association, (iii) statewide mutual assessment corporation, (iv) stipulated premium company, (v) county mutual insurance company, (vi) casualty company writing accident and health insurance, or (vii) any other type of insurance carrier licensed to do business in the State of Texas and which insurance carrier's agents are required to be licensed under the provisions of Article 21.07, Texas Insurance Code, 1951, as amended, on the date that this Act shall become effective, unless he shall have first procured a license from the State Board of Insurance as in this Article 21.07, as amended hereby, is provided, and no such insurance carrier shall appoint any person to act as its agent unless such person shall have obtained a license under the provisions of this Article, and no such person who obtains a license shall engage in business as an agent until he shall have been appointed to act as an agent by some duly authorized insurance carrier designated by the provisions of this Article 21.07 and authorized to do business in the State of Texas. Any person desiring to act as an agent of any insurance carrier licensed to do business in the State of Texas and writing health and accident insurance may obtain a separate license as an agent to write health and accident insurance provided such person complies with the provisions of this Article and has been appointed to act as an agent by some duly authorized insurance carrier authorized to do health and accident insurance business in the State of Texas.

"Section 2. Application for License. Hereafter, when any person shall desire to become an agent for a (i) local mutual aid association, (ii) a local mutual burial association, (iii) a statewide mutual assessment corporation, (iv) a stipulated premium company, (v) a county mutual insurance company, (vi) a casualty company writing accident and health insurance, or (vii) any other type of insurance carrier licensed to do business in the State of Texas and which insurance carrier's agents are required to be licensed under the provisions of Article 21.07, Texas Insurance Code, 1951, as amended, such person shall, in such form and giving such information as may be reasonably required, make application to the State Board

of Insurance for a license to act as an agent. The application shall be accompanied by a certificate on forms to be prescribed and furnished by the State Board of Insurance and signed by an officer or properly authorized representative of the insurance carrier the applicant proposes to represent, stating that the insurance carrier has investigated the character and background of the applicant and is satisfied that he is trustworthy and qualified to hold himself out in good faith to the general public as an insurance agent, and that the insurance carrier desires that the applicant act as an insurance agent to represent it in this state.

"Section 3. Issuance of License Under Certain Circumstances. After the State Board of Insurance has determined that such applicant is of good character and trustworthy, the State Board of Insurance shall issue a license to such person in such form as it may prepare authorizing such applicant to write the types of insurance authorized by law to be issued by applicant's appointing insurance carrier, except that such applicant shall not be authorized to write health and accident insurance unless: (i) applicant shall have first passed a written examination as provided for in this Article 21.07, as amended, or (ii) applicant will act only as a ticket-selling agent of a public carrier with respect to accident life insurance covering risks of travel or as an agent selling credit life, health and accident insurance issued exclusively in connection with credit transactions, or (iii) applicant will write policies or riders to policies providing only lump sum cash benefits in the event of the accidental death, or death by accidental means, or dismemberment, or providing only ambulance expense benefits in the event of accident or sickness.

"Section 4. Examination of Applicant for License to Write Health and Accident Insurance.

(a) Each applicant for a license under the provisions of this Article 21.07, Texas Insurance Code, 1951, as amended, who desires to write health and accident insurance, other than as excepted in Section 3 of this Article 21.07, within this State shall submit to a personal written examination prescribed and administered by the State Board of Insurance to determine his competency with respect to health and accident insurance and his familiarity with the pertinent provisions

of the laws of the State of Texas relating to health and accident insurance; and shall pass the same to the satisfaction of the State Board of Insurance, except that no written examination shall be required of:

(i) An applicant for the renewal of a license issued by the State Board of Insurance pursuant to Article 21.07, Texas Insurance Code, 1951, as amended, which is currently in force at the effective date of this Act; or

(ii) An applicant whose license expired less than one year prior to the date of application may, in the discretion of the State Board of Insurance, be issued a license without written examination, provided such prior license granted such applicant the right to sell health and accident insurance.

(b) (i) The State Board of Insurance shall, within sixty (60) days from the effective date of this Act, establish reasonable rules and regulations with respect to the scope, type and conduct of such written examination and the times and places within this State where such examinations shall be held; applicants shall, however, be permitted to take such examinations at least once in each week at the office of the State Board of Insurance. The rules and regulations of the State Board of Insurance shall designate text books, manuals and other materials to be studied by applicants in preparation for examination pursuant to this Section. Such text books, manuals and other materials may consist of matter available to applicants by purchase from the publisher or may consist of matter prepared at the direction of the State Board of Insurance and distributed to applicants upon request therefor and payment of the reasonable cost thereof. All examination questions shall be prepared from the contents of the text books, manuals and other materials designated or prepared by the State Board of Insurance pursuant to this Section. The State Board of Insurance shall charge each applicant a fee of \$10.00 for the privilege of taking such written examination and which fee shall not be returned under any circumstance.

(ii) The State Board of Insurance may also establish reasonable rules and regulations whereby, in the discretion of the State Board of Insurance, any insurance carrier may be permitted to conduct written examinations for its agents who have re-

ceived temporary licenses by appointment of such carrier, subject to such reasonable conditions, requirements and standards as the State Board of Insurance shall require and establish as a predicate for the granting of such authority and for the reasonable supervision, examination and inspection of each such carrier's procedures in giving examinations to its temporary licensees, but provided further that such authority so granted to any insurance carrier to give such examinations may be terminated by the State Board of Insurance on notice and hearing if it shall find that such authorized insurance carrier shall have violated the conditions, requirements and standards required of such carrier to qualify to conduct written examinations.

(c) After the State Board of Insurance shall determine that such applicant has successfully passed the written examination or it has been waived, and is a person of good character and reputation, the State Board of Insurance shall forthwith issue a license to such applicant which shall also authorize such applicant to write health and accident insurance for the designated insurance carrier.

(d) The State Board of Insurance is hereby authorized in its sole discretion to appoint an Advisory Board to make recommendations to it with respect to the scope, type and conduct of written examinations and the Advisory Board, if so appointed, shall consist of individuals experienced in the health and accident insurance business, and may include company officers, managers and employees, general managers and licensed agents. The members of the Advisory Board shall serve without pay.

(e) Whenever the State Board of Insurance shall receive any evidence indicating that an agent who obtained his license under the provisions of Section 4(a) (i) of this Article 21.07 is not competent, or not trustworthy or not of good character, the State Board of Insurance may at any time thereafter require such licensee to submit to the taking of such written examination within ninety (90) days after written notice thereof from the State Board of Insurance, and if upon taking such written examination as provided for in this Section 4 of this Article 21.07 such licensee shall fail to pass the said written examination or if such licensee shall fail to take such written

examination within such ninety (90) day period, the license of such licensee may thereupon be terminated by the State Board of Insurance and such license shall thereafter be of no further force and effect.

"Section 5. If the State Board of Insurance is not satisfied that the applicant for a license is trustworthy and of good character, or, if applicable, that the applicant, if required to do so, has not passed the written examination to the satisfaction of the State Board of Insurance, the State Board of Insurance shall forthwith notify the applicant and the insurance carrier in writing that the license will not be issued to the applicant, and return to said agent the \$10.00 fee for application for license and the \$4.00 fee for appointment.

"Section 6. Agent May Be Licensed to Represent Additional Insurers. Any agent licensed under this Article may represent and act as an agent for more than one insurance carrier at any time while his license is in force, if he so desires. Any such agent and the insurance carrier involved must give notice to the State Board of Insurance of any additional appointment or appointments authorizing him to act as agent for an additional insurance carrier or carriers. Such notice must set forth the insurance carrier or carriers which the agent is then licensed to represent, and shall be accompanied by a certificate from each insurance carrier to be named in each additional appointment, that said insurance carrier desires to appoint the applicant as its agent. This notice shall also contain such other information as the State Board of Insurance may require. The agent shall be required to pay a fee of \$4.00 for each additional appointment applied for, which fee shall accompany the notice. Any insurance carrier may file a request with the State Board of Insurance for notification in the event any agent licensed to represent such insurance carrier has given the State Board of Insurance notice of an additional appointment to represent another insurance carrier, and in such event the State Board of Insurance shall notify the insurance carrier filing such request.

"Section 7. Expiration and Renewal of License.

(a) Each license issued to an agent shall expire one year following the date of issue, unless prior thereto it is suspended or revoked by the State Board of Insurance or the authority



of the agent to act for the insurance carrier is terminated.

(b) Licenses which have not expired or which have not been suspended or revoked may be renewed from year to year upon request in writing of the agent.

(c) Upon the filing of a request for renewal of license and payment of a renewal fee of \$10.00 for such license, prior to the date of expiration, the current license shall continue in force until the renewal license is issued by the State Board of Insurance or until the State Board of Insurance has refused, for cause, to issue such renewal license, as provided in this Article, and has given notice of such refusal in writing to the insurance carrier and the agent.

(d) The appointment or appointments given under any Section of this Article authorizing the agents to act as an agent for an insurance carrier shall continue in full force and effect without the necessity of renewal until terminated and withdrawn by the insurance carrier in accordance with Section 9 of this Article 21.07 or otherwise terminated in accordance with this Article 21.07, and each renewal license issued to the agent shall authorize him to represent and act for the insurance carriers for which he holds an appointment until the appointment is so terminated, and the agent shall prima facie be deemed, for the purpose of this Article 21.07, to be the agent of the appointing insurance carriers, provided that on or before April 1st of each and every calendar year, commencing on or before April 1, 1970, each such insurance carrier so appointing such agent shall file with the State Board of Insurance a certificate, upon forms promulgated by the State Board of Insurance, certifying that such insurance carrier desires to continue the appointment of such agent, and if such insurance carrier shall for any reason fail to file such certificate for any year as relates to such agent, it shall be deemed and considered for all purposes that such insurance carrier has terminated the appointment of such agent in like manner as if compliance had been made by such insurance carrier with Section 9 of this Article.

"Section 8. Temporary License. The State Board of Insurance, if it is satisfied with the honesty and trustworthiness of any applicant who desires to write health and accident in-

surance, may issue a temporary agent's license, authorizing the applicant to write health and accident insurance, as well as all other insurance authorized to be written by the appointing insurance carrier, effective for ninety (90) days, without requiring the applicant to pass a written examination, as follows:

To any applicant who has been appointed or who is being considered for appointment as an agent by an insurance carrier authorized to write health and accident insurance immediately upon receipt by the State Board of Insurance of an application executed by such person in the form required by this Article, together with a certificate signed by an officer or properly authorized representative of such insurance carrier certifying:

(a) that such insurance carrier has investigated the character and background of such person and is satisfied that he is trustworthy and of good character;

(b) that such person has been appointed or is being considered for appointment by such insurance carrier as its agent; and

(c) that such insurance carrier desires that such person be issued a temporary license; provided that if such temporary license shall not have been received from the Board within seven days from the date on which the application and certificate were delivered to or mailed to the Board, the insurance carrier may assume that such temporary license will be issued in due course and the applicant may proceed to act as an agent; provided, however, that no temporary license shall be renewable or issued more than once in a consecutive six months period to the same applicant; and provided further, that no temporary license shall be granted to any person who does not intend to actively sell health and accident insurance to the public generally and it is intended to prohibit the use of a temporary license to obtain commissions from sales to persons of family employment or business relationships to the temporary licensee, to accomplish which purposes an insurance carrier is hereby prohibited from knowingly paying directly or indirectly to the holder of a temporary license under this Section any commissions on the sale of a contract of health and accident insurance to any person related to temporary licensee by blood or marriage, and the holder of a temporary license is hereby pro-

hibited from receiving or accepting commissions on the sale of a contract of health and accident insurance to any person included in the foregoing classes of relationship.

"Section 9. Insurance Carrier to Notify State Board of Insurance of Termination of Contract; Communications Privileged.

(a) Every insurance carrier shall, upon termination of the appointment of any agent, immediately file with the State Board of Insurance a statement of the facts relative to the termination of the appointment and the date and cause thereof. The Board shall thereupon terminate the license of such agent to represent such insurance carrier in this State.

(b) Any information, document, record or statement required to be made or disclosed to the Board pursuant to this Article shall be deemed a privileged communication and shall not be admissible in evidence in any court action or proceeding except pursuant to subpoena of a court of record.

"Section 10. Denial, Refusal, Suspension or Revocation of Licenses.

(a) A license may be denied, or a license duly issued may be suspended or revoked or the renewal thereof refused by the State Board of Insurance if, after notice and hearing as hereafter provided, it finds that the applicant for, or holder of, such license:

(1) Has wilfully violated any provision of the insurance laws of this State; or

(2) Has intentionally made a material misstatement in the application for such license; or

(3) Has obtained, or attempted to obtain, such license by fraud or misrepresentation; or

(4) Has misappropriated or converted to his own use or illegally withheld money belonging to an insurance carrier or an insured or beneficiary; or

(5) Has otherwise demonstrated lack of trustworthiness or competence to act as an agent; or

(6) Has been guilty of fraudulent or dishonest practices; or

(7) Has materially misrepresented the terms and conditions of any insurance policy or contract; or

(8) Has made or issued, or caused to be made or issued, any statement misrepresenting or making incomplete comparisons regarding the terms or conditions of any insurance contract

legally issued by any insurance carrier, for the purpose of inducing or attempting to induce the owner of such contract to forfeit or surrender such contract or allow it to lapse for the purpose of replacing such contract with another; or

(9) Is not of good character or reputation.

(b) Before any license shall be denied (except for failure to pass a required written examination), or suspended or revoked, or the renewal thereof refused hereunder, the Board shall give notice of its intention so to do, by registered mail, to the applicant for, or holder of, such license and the insurance carrier whom he represents or who desires that he be licensed, and shall set a date not less than twenty days from the date of mailing such notice when the applicant or licensee and a duly authorized representative of the insurance carrier may appear to be heard and produce evidence. In the conduct of such hearing, the Board or any regular salaried employee specially designated by it for such purpose shall have power to administer oaths, to require the appearance of and examine any person under oath, and to require the production of books, records or papers relevant to the inquiry upon its own initiative or upon the request of the applicant or licensee. Upon termination of such hearings, findings shall be reduced to writing and, upon approval by the Board, shall be filed in its office and notice of the findings sent by registered mail to the applicant or licensee and the insurance carrier concerned.

(c) No applicant or licensee whose license has been denied, refused or revoked hereunder (except for failure to pass a required written examination) shall be entitled to file another application for a license as an agent within one year from the effective date of such denial, refusal or revocation, or, if judicial review of such denial, refusal or revocation is sought within one year from the date of final court order or decree affirming such action. Such application, when filed after one year, may be refused by the Board unless the applicant shows good cause why the denial, refusal or revocation of his license shall not be deemed a bar to the issuance of a new license.

"Section 11. Judicial Review of Acts of State Board of Insurance.

If the said Board shall refuse an application for any license provided

for in this Article, or shall suspend, revoke or refuse to renew any such license or permit at said hearing, then any such applicant or accused may appeal from said order by filing suit against the State Board of Insurance as defendant in any of the District Courts of Travis County, Texas, or in any District Court in the county of the applicant's residence, and not elsewhere, within twenty (20) days from the date of the order of said State Board of Insurance.

Said action shall have precedence over all other causes of a different nature on the docket. The action shall not be limited to questions of law and shall be tried and determined upon a trial de novo to the same extent as now provided for in the case of an appeal from the justice court to the county court. Either party to said action may appeal to the appellate court having jurisdiction of said cause, and said appeal shall be at once returnable to said appellate court having jurisdiction of said cause and said action so appealed shall have precedence in said appellate court over all causes of a different character therein pending. The State Board of Insurance shall not be required to give any appeal bond in any cause arising hereunder.

"Section 12. Penalty. Any person who individually, or as an officer or employee of an insurance carrier, or other corporation, wilfully violates any of the provisions of this Article shall, in addition to any other penalty specifically provided, be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.00 or imprisoned not more than six (6) months, or both, each such violation being a separate offense hereunder. In addition, if such offender holds a license as an agent, such license shall automatically expire upon such conviction.

"Section 13. State Board of Insurance May Establish Rules and Regulations. The State Board of Insurance is hereby authorized to establish, and from time to time to amend, reasonable rules and regulations for the administration of this Article 21.07.

"Section 14. Fees and Use of Funds. It shall be the duty of the State Board of Insurance to collect from every agent of any insurance carrier writing insurance in the State of Texas under the provisions of this Article, an annual licensing fee of Ten Dollars (\$10.00) and an initial appointment fee of Four Dollars (\$4.00) for each

and every appointment by any insurance carrier, which fees shall constitute a fund to be used by the State Board of Insurance to enforce the provisions of this Article 21.07 and all laws of this State governing and regulating agents for such insurance carriers; and the State Board of Insurance is hereby given full power and authority under the provisions of this Article to use any portion of the funds herein created for the purpose of enforcing the provisions of this Article 21.07; and said State Board of Insurance is authorized to employ such person or persons as it may deem necessary to investigate and make reports upon any and all alleged violations of said laws and misconduct on the part of such agents and to pay the salaries and expenses of such person or persons so designated by it and all office employees and expenses necessary in the enforcement of this Article 21.07 out of the funds created hereunder and such person or persons so appointed by the State Board of Insurance are hereby authorized and empowered to administer the oath and to examine under oath any person deemed necessary in gathering information and evidence and to have the same reduced to writing if deemed necessary and all such expenses shall be paid out of said fund. If any residue for any years shall remain in said fund over and above the amount necessary to carry on the work and investigation and pay the expenses herein provided for, the same shall be carried over to the following year or years and used in the continuation of the enforcement of this Article 21.07 and the insurance laws of this State and all such funds are hereby appropriated for such purpose. The funds collected under this provisions shall be paid into the State Treasury at least once each week and kept in a special fund and shall be paid out for salaries, traveling expenses, office expenses and other incidental expenses incurred by the State Board of Insurance hereunder upon proper account duly approved by the State Board of Insurance.

Provided, however, that at the termination of each biennium after the payment of all expenses of enforcement hereinbefore provided, any surplus of the enforcement fund created by the collection of the fees provided herein shall be transferred by the State Treasurer to the Examination Fund of the State Board of Insurance for such use as the State Board of

Insurance may deem necessary in furthering the duties of the Examining Division of the State Board of Insurance.

"Section 15. Any person who holds a license under the provisions of Article 21.07.1, Texas Insurance Code, 1951, as amended, shall be entitled to receive a license under this Article 21.07, and be authorized to write health and accident insurance without being required to pass the examination as required under this Article 21.07.

"Section 16. When any license shall be issued by the State Board of Insurance to an applicant entitled to write health and accident insurance, the license shall have stamped thereon the words Health and Accident Insurance.

"Section 17. Each license issued prior to the effective date hereof under the provisions of Art. 21.07 and remaining in force at the effective date of this Act shall continue in full force and effect until such license would otherwise expire, and each such license so expiring shall be subject to renewability in accordance with the provisions of this Act upon each respective license expiration date. Any such license so continuing in force may, however, be revoked by the State Board of Insurance in accordance with the other provisions of this Act."

Section 2. This Act shall be cumulative of all other existing laws but in the event of any conflict between the provisions of this Act and the provisions of any existing law, the provisions of this Act shall prevail, and all laws, or parts of laws, in conflict with the provisions of this Act are hereby repealed to the extent of such conflict only.

Section 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect other provisions and applications of this Act which can be given effect without the invalid provisions and application, and to this end the provisions of this Act are declared to be severable.

Section 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read and was adopted.

On motion of Senator Blanchard, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Record of Vote

Senator Wilson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### Senate Bill 599 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 599 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Snelson
Grover	Strong
Harrington	Watson
Harris	Word

#### Nays—2

Hall	Wilson
------	--------

#### Present—Not Voting

Schwartz

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—28

Aikin	Brooks
Bates	Christie
Bernal	Cole
Berry	Connally
Blanchard	Creighton
Bridges	Grover

Harrington	McKool
Harris	Moore
Hazlewood	Patman
Herring	Ratliff
Hightower	Snelson
Jordan	Strong
Kennard	Watson
Mauzy	Word

Nays—2

Hall                      Wilson

Present—Not Voting

Schwartz

**Reports of Standing Committees**

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 964, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CONNALLY

Senator Hightower, by unanimous consent, submitted the following report:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Contingent Expenses, to which was referred S. C. R. No. 74, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman  
AIKIN  
WORD  
KENNARD  
HALL

Senator Creighton, by unanimous consent, submitted the following report:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1313, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Senator Connally, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife, to which was referred H. B. No. 957, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman  
BLANCHARD

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife, to which was referred H. B. No. 696, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman  
BLANCHARD

Senator Hall, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 445, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CONNALLY

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 484, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CONNALLY

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1261, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CONNALLY

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1262, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CONNALLY

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 369, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CONNALLY

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 646, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CONNALLY

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs to which was referred H. B. No. 650, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CONNALLY

Senator Connally, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife to which was referred H. B. No. 546, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman  
BLANCHARD

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife to which was referred H. B. No. 487, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman  
BLANCHARD

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife to which was referred H. B. No. 1295, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman  
BLANCHARD

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife to which was referred H. B. No. 458, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman  
BLANCHARD

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife to which was referred H. B. No. 943, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman  
BLANCHARD

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife to which was referred H. B. No. 805, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman  
BATES  
KENNARD  
BERRY  
BLANCHARD  
BROOKS  
CREIGHTON  
HARRINGTON  
RATLIFF  
SNELSON

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife to which was referred H. B. No. 840, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman  
BATES  
KENNARD  
BERRY  
BLANCHARD  
BROOKS  
CREIGHTON  
HARRINGTON  
RATLIFF  
SNELSON

#### Senate Bill 803 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent S. B. No. 803 was ordered not printed.

#### Senate Bill 804 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent S. B. No. 804 was ordered not printed.

#### Senate Bill 805 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent S. B. No. 805 was ordered not printed.

#### House Bill 62 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent H. B. No. 62 was ordered not printed.

#### House Bill 128 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent H. B. No. 128 was ordered not printed.

#### Senate Bill 785 on Second Reading

On motion of Senator Cole, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 785, A bill to be entitled "An Act relating to the composition of the Juvenile Board of Harris County and to the administration and operation of programs and institutions for dependent and neglected children by the Harris County Child Welfare Board; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 785 on Third Reading

Senator Cole moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 785 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Joint Resolution 23 on Second Reading

On motion of Senator Mauzy, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 23, Proposing an amendment to Sections 6 and 7, Article III, Constitution of the State of Texas, to exempt senators and representatives of multi-county districts from certain residence requirements in the first election after a reapportionment.

The resolution was read second time.

Senator Mauzy offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 23 by striking all below the resolving clause and substituting the following:

Section 1. That Section 7, Article III, Constitution of the State of Texas, be amended to read as follows:

"Section 7. No person shall be a Representative, unless he be a citizen of the United States, and, at the time of his election, a qualified elector of this State, and shall have been a resident of this State two years next preceding his election, the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-one years. However, in a county containing all or parts of more than one State Representative District, in the first election following a change in the boundaries of the State Representative Districts in that county or a reapportionment throughout the State, a person need not be a resident of the particular State Representative District so long as he is a resident of the county for the required year."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1970, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing that a resident of a multi-district county, to be eligible for election to the Texas House of Representatives in the first election after a reapportionment, must be a resident of the county but not necessarily the legislative district."

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 23 by striking all above the resolving clause and substituting the following:

#### A JOINT RESOLUTION

proposing an amendment to Section 7, Article III, Constitution of the State of Texas, to exempt representatives of multi-district counties from certain residence requirements in the first election after a reapportionment.

The amendment was read and was adopted.

The resolution as amended was passed to engrossment.



**Record of Vote**

Senator Creighton asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

**Senate Joint Resolution 23  
on Third Reading**

Senator Mauzy moved that the Constitutional Rule and Senate Rule 30 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Cole	Schwartz
Connally	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

**Nays—2**

Creighton	Harris
-----------	--------

The Presiding Officer then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

**Yeas—28**

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Wilson
Hazlewood	Word

**Nays—3**

Creighton	Watson
Harris	

**Recess**

Senator Aikin moved that the Senate take recess until 2:00 o'clock p.m. today.

Senator Strong made the substitute motion that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question first on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

**Yeas—8**

Bernal	Mauzy
Grover	McKool
Harrington	Strong
Kennard	Wilson

**Nays—23**

Aikin	Hazlewood
Bates	Herring
Berry	Hightower
Blanchard	Jordan
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Cole	Schwartz
Connally	Snelson
Creighton	Watson
Hall	Word
Harris	

Question recurring on the motion to take recess until 2:00 o'clock p.m. today, the motion prevailed.

Accordingly, the Senate at 12:11 o'clock p.m. took recess until 2:00 o'clock p.m. today.

**After Recess**

The Presiding Officer (Senator Aikin in the Chair) called the Senate to order at 2:00 o'clock p.m.

**House Resolution on First Reading**

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H. C. R. No. 96, To Committee on Legislative, Congressional and Judicial Districts.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed to following:

H. C. R. No. 89, Creating a joint interim committee to study alternative methods of attracting new industry to Texas.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Editorial Ordered Printed in Journal**

On motion of Senator Brooks, and by unanimous consent, the following editorial was ordered printed in the Senate Journal:

**Editorial by Frank Stewart on  
KTRH Radio, April 30, 1969**

"I have just returned from Boston, America's cradle of freedom. I stood on a hill where Quakers were hanged, principally because they were different. The stocks, the whipping post, the ducking stool, were in common use . . . the result of over-reaction on the part of well-intentioned, yet highly intolerant masses in power.

Primarily through constitutional law there are checks and balances in today's society which make the return of such an environment highly unlikely—save in one quarter—the Grand Jury. The Grand Jury (by law) has awesome power and responsibility. Many people do not know that a Grand Jury in no way tries an individual. Nor, does it find for guilt or innocence. The Grand Jury is impaneled to examine citizens in private sessions to determine whether an individual should be charged with a violation of the law. A man can only be tried by a jury of peers. On occasion, it appears that some grand juries have abused their powers and have smeared citizens by implication and indicted segments of society through innuendo. Some members of the Harris County holdover Grand Jury have revealed through the press the nature and thrust of the Grand Jury inquiry regarding students and faculty mem-

bers of the University of Houston. Article 20.02 of the Texas Code of Criminal procedure says, and I quote, "the deliberations of the Grand Jury shall be secret. Any Grand Juror or bailiff who divulges anything transpiring before them in the course of their official duties shall be liable to a fine as for contempt of the court, not exceeding five hundred dollars and to imprisonment not exceeding thirty days."

It is our thought that at this moment, some twenty-five thousand students and teachers of the University of Houston would like to join KTRH in suggesting to the members of this holdover Grand Jury that they examine the reputed activities of this Grand Jury and review their responsibilities under the law as Grand Jurors of the State of Texas."

**Reports of Standing Committee**

Senator Creighton, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1012, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 604, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1102, have had the

same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1106, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1271, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1300, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

#### House Concurrent Resolution 101 on Second Reading

The Presiding Officer laid before the Senate the following resolution:

H. C. R. No. 101, Memorial resolution for the Honorable Burke T. Summers.

The resolution was read.

Senator Strong offered the following substitute for the resolution:

Whereas, The entire State of Texas suffered a great loss on Friday, April 18, 1969, with the death of the Honorable Burke T. Summers, former

Member of the Texas House of Representatives; and

Whereas, This distinguished citizen, who died at the age of 66, was a native of Nacogdoches, Texas, and served in the House of Representatives of the 48th Legislature while he was living in Big Spring, Texas; he represented the six West Texas counties of Howard, Tom Green, Irion, Sterling, Reagan and Glasscock; and

Whereas, After leaving the Legislature he represented industry in the Capitol, and he was a beloved figure in legislative circles for more than 24 years; and

Whereas, He was a man who made friends easily, and he doubtless knew more governors, lieutenant governors, speakers, and Members of the House of Representatives and the Senate on a first-name basis than any other man in the State of Texas; and

Whereas, Next to his family and legislative affairs, he loved Texas A & M University, where he was a student in his youth; he remained a great supporter of the Aggies and three of his sons have attended A & M; and

Whereas, It is appropriate that the Legislature of the State of Texas pay tribute to Burke T. Summers, a favorite of all who knew him and a man whose views on legislative matters were always highly regarded; now, therefore, be it

Resolved by the House of Representatives of the 61st Legislature, the Senate concurring, That the Texas Legislature express appreciation for the life and service of Burke T. Summers, former colleague and friend, and extend sympathy to his wife, Mrs. Francis Summers, and to his sons, Frank, Link, and Thomas Summers, all of Longview; and, be it further

Resolved, That official copies of this Resolution be prepared for the members of his family, and that when the two Houses of the Legislature adjourn this day, they do so in memory of Burke T. Summers.

The amendment was read and was adopted.

Signed: Lieutenant Governor Ben Barnes; Aikin, Bates, Bernal, Berry, Blanchard, Bridges, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, McKool, Moore, Patman, Rat-

liff, Schwartz, Snelson, Strong, Watson, Wilson and Word.

On motion of Senator Herring, and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Strong, and by unanimous consent, the resolution as amended was considered immediately and was adopted by a rising vote of the Senate.

#### House Concurrent Resolution 114 on Second Reading

On motion of Senator Snelson, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 114, Commending the Honorable Emil C. Rassman of Midland, Texas.

The resolution was read.

On motion of Senator Snelson, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Committee Substitute Senate Bill 138 on Second Reading

Senator Cole asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 138 for consideration at this time.

There was objection.

Senator Cole then moved to suspend the regular order of business and take up C. S. S. B. No. 138 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Hightower
Bates	Jordan
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Ratliff
Cole	Schwartz
Connally	Snelson
Creighton	Strong
Hall	Watson
Harrington	Word
Herring	

Nays—3

Grover	Patman
Harris	

Absent

Bernal	Kennard
Berry	Wilson
Hazlewood	

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 138, A bill to be entitled "An Act amending Chapter 82, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 7621b, Vernon's Texas Civil Statutes), relating to the disposal of wastes into a subsurface stratum by injection well; revising and rearranging Article 7621b, Vernon's Texas Civil Statutes, to improve the structure of the Act; transferring certain functions under the Act from the Texas Water Development Board to the Texas Water Quality Board; providing for civil penalties and injunctive relief for violations of this Act; validating the actions of the Texas Water Development Board under the Act and requiring transfer of certain records to the Texas Water Quality Board; repealing that part of paragraph (a) of Section 21 of Article 8280-9, Vernon's Texas Civil Statutes, in conflict with this Act; providing severability; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Committee Substitute Senate Bill 138 on Third Reading

Senator Cole moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 138 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Cole
Bates	Connally
Bernal	Creighton
Berry	Grover
Blanchard	Hall
Bridges	Harrington
Brooks	Harris
Christie	Hazlewood

Herring	Ratliff
Hightower	Schwartz
Jordan	Snelson
Kennard	Strong
Mauzy	Watson
McKool	Wilson
Moore	Word
Patman	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### Bills Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 651, A bill to be entitled "An Act relating to the payment of all authorized overtime by agencies and institutions that are subject to the Fair Labor Standards Act, as amended; etc.; and declaring an emergency."

H. B. No. 85, A bill to be entitled "An Act limiting the number of hours of duty per week required of peace officers in certain counties; and declaring an emergency."

H. B. No. 94, A bill to be entitled "An Act relating to the time when an adoption hearing may be held; amending Section 4, Chapter 177, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 46a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 256, A bill to be entitled "An Act repealing Chapter 17, Acts of the 51st Legislature, 1st Called Session, 1950 (Article 6070e, Vernon's Texas Civil Statutes), requiring separate facilities for whites and Negroes in the state park system; and declaring an emergency."

H. B. No. 252, A bill to be entitled "An Act relating to sleeping facilities on trains; amending Rule 71, Article 4477, Revised Civil Statutes of Texas, 1925; repealing Rule 72, Article 4477, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 258, A bill to be entitled "An Act removing certain provisions

pertaining to racial segregation of teachers' meetings; amending Article 2691, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 660, A bill to be entitled "An Act removing Foard County from the provisions of the Uniform Wildlife Regulatory Act; etc.; and declaring an emergency."

H. B. No. 1009, A bill to be entitled "An Act amending Chapter 76, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6243g-1, Vernon's Texas Civil Statutes), relating to Pension Systems for policemen in cities of nine hundred thousand (900,000) or more inhabitants which do not now have a police, firemen, and fire alarm operators pension system organized under an other law; providing for severability; and declaring an emergency."

H. B. No. 926, A bill to be entitled "An Act relating to reporting by certain individuals of physical abuse of children; providing for the duties of county attorneys regarding such reports; etc.; and declaring an emergency."

### Leave of Absence

Senator Cole was granted leave of absence for the remainder of today on account of important business on motion of Senator Brooks.

### Senate Bill 637 on Second Reading

Senator Connally asked unanimous consent to suspend the regular order of business and take up S. B. No. 637 for consideration at this time.

There was objection.

Senator Connally then moved to suspend the regular order of business and take up S. B. No. 637 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Connally
Bates	Hall
Bernal	Harrington
Berry	Hightower
Bridges	Jordan
Brooks	Kennard

Mauzy  
McKool  
Moore  
Patman

Schwartz  
Snelson  
Wilson  
Word

### Nays—9

Blanchard  
Christie  
Creighton  
Grover  
Harris

Hazlewood  
Herring  
Ratliff  
Strong

### Absent

Cole

Watson

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 637, A bill to be entitled "An Act relating to tuition and fees exemption for certain students; amending Chapter 733, Acts of the 60th Legislature, Regular Session, 1967; and declaring an emergency."

The bill was read second time.

Senator Connally offered the following amendment to the bill:

Amend Senate Bill No. 637, paragraph 5, to read as follows:

"Sec. 5. The exemption provided in this Act shall be applicable in the case of any person whose tuition, fees, and charges, as provided in Section 4, are being paid, or will be paid to the educational institution by the United States Government, or one of its agencies, or in the case of any person whose tuition, fees, and charges are paid from funds, either public, or private, other than his, those of his family, or those of his guardian."

CONNALLY  
BERNAL

The amendment was read.

Senator Moore offered the following amendment to the pending amendment:

Amend the pending amendment, Sec. 5 of S. B. No. 637, "provided further that all children of Members of the Legislature and members of the Capitol Press Corp shall be exempt from all tuition at state schools of higher learning regardless of income of the families."

The amendment was read and was adopted.

### Record of Votes

Senators Grover, Brooks, Jordan, Patman, Bernal, Kennard, Snelson, Strong, Bridges, Hall, Mauzy and Wilson asked to be recorded as voting "Nay" on the adoption of the above amendment.

(President in the Chair.)

Senator Connally moved to reconsider the vote by which the amendment by Senator Moore to the amendment by Senator Connally was adopted.

The motion prevailed by the following vote:

### Yeas—28

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Herring	Word

### Nays—2

Harris                      Hazlewood

### Absent—Excused

Cole

Question—Shall the amendment by Senator Moore, to the amendment by Senator Connally be adopted?

Senator Moore then withdrew the amendment to the pending amendment.

Question—Shall the amendment by Senator Connally be adopted?

Senator Hazlewood offered the following substitute for the pending amendment:

Amend Senate Bill No. 637 by striking all below the enacting clause, and substituting in lieu thereof the following:

No student in attendance at any state supported institution shall be required to pay tuition fees or charges.

The substitute for the pending amendment was read.

Senator Connally raised the Point of Order that the substitute amendment by Senator Hazlewood was not germane to the caption of the bill.

The President sustained the Point of Order.

Question—Shall the amendment by Senator Connally be adopted?

Pending discussion by Senator Connally of the bill, Senator Schwartz occupied the Chair.

(President in the Chair.)

Question—Shall the amendment to S. B. No. 637 by Senator Connally be adopted?

#### Senate Bill 555 on Second Reading

On motion of Senator Schwartz, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 555, A bill to be entitled "An Act declaring the public policy of the State of Texas concerning the maintenance and cleaning of public beaches; etc.; and declaring an emergency."

The bill was read second time.

Senator Schwartz offered the following Committee Amendment to the bill:

Amend Sec. 8, S. B. 555, by striking the last sentence thereof and substituting therefor the following language:

"This section shall not be construed as prohibiting the assessment of a reasonable fee for off-beach parking; nor shall it be construed as prohibiting the assessment of a reasonable fee for entrance to a city beach park with facilities available to the public."

The Committee Amendment was read and was adopted.

Senator Schwartz offered the following Committee Amendment to the bill:

Amend Sec. 3, S. B. 555, by striking the last sentence in sub-section (d) and substituting therefor the following language:

"This subsection shall not be construed to prohibit the assessment of

a reasonable fee for off-beach parking, nor shall this subsection be construed to prohibit the assessment of a reasonable fee for the use of facilities provided for the use and convenience of the public."

The Committee Amendment was read and was adopted.

Senator Schwartz offered the following Committee Amendment to the bill:

Amend Sec. 3, S. B. 555, by inserting the phrase "commissioners court" after the phrase, "County Parks Board" in subsection (a) thereof.

The Committee Amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend S. B. No. 555 by adding a new Sec. 9 after Sec. 8 and renumbering subsequent sections accordingly, to read as follows:

"Sec. 9. The commissioners court of any county which is not entitled to receive funds under this Act, may contract with the commissioners court of any adjacent county which is entitled to receive funds under this Act, for the purpose of allowing such adjacent county to clean the public beaches of the county which is not entitled to receive funds under this Act. Such contracting counties not entitled to receive funds under this Act may apply to the Parks and Wildlife Department for rebates of 40 per cent of the contract price, provided that such contracting counties need not meet the terms and conditions imposed in Section 3 of this Act, except as otherwise provided. The department shall make such rebates at the close of each state fiscal year, upon a showing by such county that entrance to all public beaches under the jurisdiction of such county is free of charge. This subsection shall not be construed to prohibit the assessment of a reasonable fee for off-beach parking, nor shall this subsection be construed to prohibit the assessment of a reasonable fee for the use of facilities provided for the use and convenience of the public."

The amendment was read and was adopted.

On motion of Senator Schwartz, and by unanimous consent, the caption

was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 555 on Third Reading

Senator Schwartz moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 555 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

#### Nays—1

Harris

#### Absent—Excused

Cole

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

#### Nays—1

Harris

#### Absent—Excused

Cole

#### Senate Bill 637 on Second Reading

The Senate resumed the consideration of the pending business, same being S. B. No. 637 with an amendment by Senator Connally pending.

Question—Shall the amendment by Senator Connally to S. B. No. 637 be adopted?

(Senator Aikin in the Chair.)

Senator Brooks offered the following amendment to the pending amendment:

Amend Amendment No. 1 to S. B. 637 by adding thereto the following:

"It is provided, however, that such grants or gifts made specifically for tuition and/or fees shall be paid directly to the institution and applied accordingly for the purpose intended."

The amendment to the amendment was read and was adopted.

Question—Shall the amendment by Senator Connally as amended be adopted?

(Senator Hightower in the Chair.)

The amendment as amended was adopted by the following vote:

#### Yeas—17

Bates	Kennard
Bernal	Mauzy
Berry	McKool
Bridges	Patman
Brooks	Schwartz
Connally	Snelson
Hall	Wilson
Harrington	Word
Jordan	

#### Nays—13

Aikin	Herring
Blanchard	Hightower
Christie	Moore
Creighton	Ratliff
Grover	Strong
Harris	Watson
Hazlewood	

#### Absent—Excused

Cole



On motion of Senator Connally, and by unanimous consent, Senate Bernal will be shown as Co-author of amendment Number 1 by Senator Connally.

Senator Blanchard offered the following amendment to the bill:

Amend S. B. 637 by changing figure \$6,000 on line 40 of printed bill to figure \$10,000.00.

The amendment was read.

Senator Creighton offered the following amendment to the pending amendment:

Amend Section 3 of S. B. No. 637, line 13, by deleting the words "in the top 50 per cent" and substituting in lieu thereof the words "in the lower 50 per cent."

The amendment to the pending amendment was read and was adopted.

Question—Shall the amendment by Senator Blanchard, as amended, be adopted?

(Senator Aikin in the Chair.)

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 130, A bill to be entitled "An Act prohibiting persons from receiving special hunting permits on wildlife management areas for two consecutive years under certain conditions; amending Section 3, Chapter 463, Acts of the 54th Legislature, 1955 (Article 978f-5, Vernon's Texas Penal Code); amending Section 3, Chapter 481, Acts of the 54th Legislature, 1955; and declaring an emergency."

H. B. No. 87, A bill to be entitled "An Act providing for the publication of notice in a newspaper of general circulation in this state advising that land owned by a political subdivision of the State of Texas is to be offered for sale to the general public; requiring the land to be sold to the

highest bidder; and declaring an emergency."

H. B. No. 129, A bill to be entitled "An Act amending Section (T) of Article 20.01, as amended, and adding a new section to Article 20.04 as amended, Chapter 20, Title 122A, "Taxation-General," Revised Civil Statutes of Texas, 1925, restoring to the definition of contractor or repairman the provisions inadvertently omitted by H. B. 2, Acts 1968, 60th Legislature, First Called Session; relocating the exemption for certain purchases by contractors or repairmen; providing for severability; and declaring an emergency."

H. B. No. 695, A bill to be entitled "An Act providing for the conveyance of certain land by the Texas Youth Council to the Houston County Development Foundation; and declaring an emergency."

H. J. R. No. 28, Proposing an amendment to Section 52, Article III, Constitution of the State of Texas, to authorize any county, on the vote of a majority of qualified property taxpaying electors, to issue road bonds in an amount not to exceed one-fourth of the assessed valuation of the real property in the county.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Report of Standing Committee

Senator Creighton, by unanimous consent, submitted the following report:

Austin, Texas,  
May 6, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 746, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

#### Senate Bill 788 on Second Reading

On motion of Senator Brooks, and by unanimous consent, the regular order of business was suspended to take

up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 788, A bill to be entitled "An Act amending Chapter 370, Acts of the 57th Legislature, Regular Session, 1969 (Article 2615g, Vernon's Texas Civil Statutes), by adding a Section 10b conferring on the Board of Regents of the University of Houston the power to acquire and dispose of lands and other real property; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Brooks offered the following Committee Amendment to the bill:

Amend Senate Bill 788 by placing the following language under a new Section 2 and by renumbering Sections 2 and 3 as contained in the original bill accordingly:

"Section 2. Any acquisition of property by purchase, donation or otherwise, or any sale, exchange, lease or other disposition of land or real property now owned or hereafter acquired by the Board of Regents of the University of Houston for the use of the University of Houston, under the provisions of Section 10b above, shall be separately subject to the approval of the Coordinating Board, Texas College and University System, and shall be separately described by metes and bounds to the Coordinating Board in seeking approval of that body. All authority granted under provisions of this Section shall expire on June 1, 1971."

The Committee Amendment was read and was adopted.

On motion of Senator Brooks, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 788 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 788 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Cole

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Cole

#### House Bills and Resolution on First Reading

The following bills and resolution received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 87, To Committee on State Affairs.

H. B. No. 695, To Committee on County, District and Urban Affairs.

H. B. No. 129, To Committee on State Affairs.

H. B. No. 130, To Committee on Parks and Wildlife.

H. J. R. No. 28, To Committee on Constitutional Amendments.

### Motion to Adjourn

Senator Herring moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

#### Yeas—10

Aikin	Jordan
Brooks	Moore
Christie	Snelson
Grover	Strong
Herring	Watson

#### Nays—20

Bates	Hazlewood
Bernal	Hightower
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Connally	Patman
Creighton	Ratliff
Hall	Schwartz
Harrington	Wilson
Harris	Word

#### Absent—Excused

Cole

### Senate Bill 637 on Second Reading

The Senate resumed the consideration of the pending business same being S. B. No. 637 on its second reading and passage to engrossment with an amendment by Senator Blanchard pending.

Question—Shall the amendment by Senator Blanchard as amended be adopted?

Question on the adoption of the amendment by Senator Blanchard, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

#### Yeas—11

Blanchard	Grover
Christie	Harris
Creighton	Hazlewood

Herring	Strong
Moore	Watson
Ratliff	

#### Nays—19

Aikin	Jordan
Bates	Kennard
Bernal	Mauzy
Berry	McKool
Bridges	Patman
Brooks	Schwartz
Connally	Snelson
Hall	Wilson
Harrington	Word
Hightower	

#### Absent—Excused

Cole

(Senator Hightower in the Chair.)

Senator Blanchard offered the following amendment to the bill:

Amend S. B. 637 by changing figure 50 on line 33 of the printed bill to figure 75.

The amendment was read.

(Senator Aikin in the Chair.)

Senator Connally moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

#### Yeas—19

Aikin	Jordan
Bates	Kennard
Bernal	Mauzy
Berry	McKool
Bridges	Patman
Brooks	Schwartz
Connally	Snelson
Hall	Wilson
Harrington	Word
Hightower	

#### Nays—11

Blanchard	Herring
Christie	Moore
Creighton	Ratliff
Grover	Strong
Harris	Watson
Hazlewood	

#### Absent—Excused

Cole

Senator Watson offered the following amendment to the bill:

Amend S. B. 637 by adding a new section after Section 6 to read as follows:

"Section 7. Nothing herein shall be construed so as to deny an orphan child from qualifying for the benefits created by this Act."

The amendment was read and was adopted.

#### Record of Vote

Senator Christie asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Blanchard offered the following amendment to the bill:

Amend S. B. 637 by adding a new subsection under Sec. 1 to be numbered (4) to reads as follows:

(4) or whose parents estimate that their income is not sufficient to send a child or children to college, which estimate should be under oath, and does not exceed \$6,000.00 a year.

The amendment was read.

Question—Shall the amendment by Senator Blanchard to S. B. No. 637 be adopted?

#### Welcome and Congratulatory Resolutions

S. R. No. 706—By Senators Harrington and Bernal: Extending welcome to Mr. and Mrs. Harvey U. Vinson of San Antonio.

S. R. No. 707—By Senator Herring: Extending welcome to teacher and students of Joslyn School of Austin.

S. R. No. 708—By Senator Watson: Extending welcome to sponsors and members of Girl Scout Troop No. 219 of Waco.

S. R. No. 709—By Senator Herring: Extending welcome to sponsors and students of Leander Public Schools.

S. R. No. 710—By Senator Blanchard: Extending congratulations to Plains Cowgirls on winning Interscholastic League volleyball championship.

S. R. No. 711—By Senator Blanchard: Extending congratulations to state championship one-act play cast of Meadows High School.

S. R. No. 712—By Senator Blanchard: Extending congratulations and best wishes to Dr. Arthur Wesley Young on his retirement as chairman of the Department of Agronomy at Texas Technological College.

S. R. No. 713—By Senator McKool: Extending welcome to Patti Pardo.

S. R. No. 714—By Senator McKool: Extending welcome to Mollie McKool.

S. R. No. 715—By Senator McKool: Extending welcome to Patricia McKool.

S. R. No. 716—By Senator Snelson: Extending welcome to sponsors and students of Junior Historians of Uvalde.

S. R. No. 718—By Senator Herring: Extending welcome to sponsors and students of Pecan Springs Elementary School of Travis County.

S. R. No. 719—By Senator Brooks: Extending welcome to teacher and students of Milby High School of Houston.

S. R. No. 720—By Senator Hall: Extending welcome to William Bentley Powell, Jr., of Anna.

S. R. No. 721—By Senator Wilson: Extending congratulations to valedictorian, Jerry Kimbrough, and salutatorian, Pam Sears, of Garrison High School.

S. R. No. 722—By Senator Watson: Extending welcome and privileges of the floor for the day to Harold Nussbaum, et al.

S. R. No. 723—By Senator Watson: Extending welcome to Bud Reeves of Waco.

S. R. No. 724—By Senator Watson: Extending welcome to H. H. Coffield of Rockdale.

#### Adjournment

On motion of Senator Aikin the Senate at 4:19 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

#### APPENDIX

##### Sent to Governor

May 6, 1969

S. B. No. 285

S. B. No. 498

S. B. No. 651